

REMARKS

By this amendment, claims 1 and 38 are amended. Support can be found in the previous claim set. The amendments are of a nature that removes possible ambiguity or misunderstanding. While Applicants do not agree with the Examiner that issues of indefiniteness are properly identified when considering the skill in the art, Applicants do not believe that the changes such as deletion of the word “sequence” should be considered as changing the claim scope or of raising new issues for the Examiner to consider. Prompt issuance of a Notice of Allowance is respectfully requested. Claims 1, 6-12 and 38 are pending. Applicant respectfully submits that no issue of new matter arises.

Examiner Interview Summary

Applicant expresses his gratitude for the courtesies extended to their representative in conducting the April 9, 2009 telephonic interview and providing follow-up feedback from her supervisor. The substance of the interview is incorporated in the following remarks.

Claim objections

The Office Action objected to claim 1 because of “informalities”. For example the phrase “transport peptide” was identified as a “nucleic acid sequence encoding hirudin or lepirudin.” While Applicants believe the claim was clear, they understand that the language might be improved, e.g., to make language in all claims consistent. Applicants believe that chain 1 amendments are in accordance with the Examiner’s suggestions. Claim 38 is amended to delete “sequence” as suggested by the Examiner. After review of a proposed amendment and a discussion with her supervisor the Examiner suggested two additional amendments, the elimination of “B_n” as it might be considered redundant and the removal of a dash following “protein(Y)” from the penultimate paragraph of claim 1. These suggested amendments are included in the claim amendments above. No issue of new matter arises. Reconsideration and withdrawal of this objection are respectfully requested.

3) Obviousness-type Double Patenting Rejections

In the April 9, 2009 telephonic interview, the Examiner indicated that amended claims 1 and 38 were acceptable; no rejections other than this obviousness-type double patenting rejection remained after entry. Furthermore if this obviousness-type double patenting rejection were properly obviated, the application would be in condition for allowance. A Terminal Disclaimer is filed herewith, thereby obviating this rejection. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of all pending rejections. Applicant respectfully submits that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

/George S. Jones/
George S. Jones, Reg. No. 38,508
Attorney for Applicant

sanofi aventis U.S. Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, NJ 08807-0800
Telephone (908) 231-3776
Telefax (908) 231-2626

sanofi aventis Docket No. DEAV2001/0007 US NP